

S.R. 101 - By Tejeda: Extending congratulations to Kathleen Dixon as an official representative of the United States to the Soviet Union.

S.R. 102 - By Tejeda: Extending congratulations to Dean Soto as an official representative of the United States to the Soviet Union.

S.R. 103 - By Tejeda: Extending congratulations to Cynthia Bishop as an official representative of the United States to the Soviet Union.

S.R. 104 - By Tejeda: Extending congratulations to Dawn Baumann as an official representative of the United States to the Soviet Union.

S.R. 105 - By Tejeda: Extending congratulations to John Mohr III as an official representative of the United States to the Soviet Union.

S.R. 106 - By Tejeda: Extending congratulations to Evelyn Escobedo as an official representative of the United States to the Soviet Union.

S.R. 107 - By Tejeda: Extending congratulations to Valerie Raver as an official representative of the United States to the Soviet Union.

S.R. 108 - By Leedom: Extending congratulations to Cynthia Susan Cox on her many achievements and wishing her every success in the future.

S.R. 109 - By Dickson: Extending congratulations to the Llano High School baseball team for a job well done.

S.R. 111 - By Bivins: Honoring the Nazareth High School girls' basketball team by recognizing Saturday, July 8, 1989, as Swiftette Day in Texas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 2:22 p.m. adjourned, in memory of Bert Carson Armstead, Jr., of Galveston, until 10:30 a.m. tomorrow.

EIGHTH DAY

(Thursday, July 6, 1989)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Humbly, our Father, we ask Your guidance upon the men and women of the Senate as they continue the search for answers to the problems now before them. Aware there is a source of strength beyond our own, may these from whom so much is expected call upon and draw from that greater strength. Now in this session keep each one in Your care and in all decisions our prayer is that Your will be done.

In Jesus' name, we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Bivins was granted leave of absence for today on account of illness on motion of Senator Brooks.

Senator Edwards was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Green was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Montford submitted the following report for the Committee on State Affairs:

H.C.R. 18
S.B. 54
S.B. 62

Senator McFarland submitted the following report for the Committee on Criminal Justice:

S.B. 32
S.B. 30
S.B. 29
S.B. 7
S.B. 6
C.S.S.B. 25

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.C.R. 12
S.B. 63
C.S.S.B. 57

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the TEXAS GUARANTEED STUDENT LOAN CORPORATION: Comer Alden, Bexar County.

To be a Member of the BOARD OF REGENTS, TEXAS SOUTHERN UNIVERSITY: Walter H. Criner, Harris County.

To be a Member of the BOARD OF REGENTS, THE UNIVERSITY OF NORTH TEXAS: R. L. Crawford, Jr., Denton County.

To be a Member of the TEXAS BOARD OF ARCHITECTURAL EXAMINERS: Jerry E. Yancey, Collin County.

To be a Member of the ADVISORY BOARD OF ATHLETIC TRAINERS: Michael Daniel Saly, Montgomery County.

To be a Member of the BOARD OF DIRECTORS, BANDERA COUNTY RIVER AUTHORITY: Mrs. Mary Jane Cave, Bandera County.

To be a Member of the STATE BOARD OF BARBER EXAMINERS: Ms. Helen Spears, Dallas County.

To be a Member of the BATTLESHIP TEXAS ADVISORY BOARD: Charles A. Alcorn, Harris County.

To be a Member of the GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE BLIND: Chris D. Prentice, Lubbock County.

To be a Member of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: Ramiro A. Galindo, Brazos County.

To be a Member of the TEXAS DIABETES COUNCIL: Dr. Michael P. Stern, Bexar County.

To be Members of the BOARD OF TRUSTEES, TEXAS GROWTH FUND: H. Scott Caven, Harris County; Richard J. Hanschen, Dallas County; A. W. Riter, Jr., Smith County.

To be JUDGE OF THE 280TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY: Ms. Tonita (Tony) Davis Lindsay, Harris County.

To be JUDGE OF THE 355TH JUDICIAL DISTRICT COURT OF HOOD COUNTY: Dan B. Grissom, Hood County.

To be a Member of the BOARD OF DIRECTORS, LOWER COLORADO RIVER AUTHORITY: Roy E. Bucek, Fayette County.

To be a Member of the TEXAS MOTOR VEHICLE COMMISSION: Leonard E. Burton, Dallas County.

To be a Member of the TEXAS NATIONAL GUARD ARMORY BOARD: Victor C. Eissler, Gillespie County.

To be a Member of the BOARD OF DIRECTORS, NUECES RIVER AUTHORITY: Wayne J. Baldwin, Jim Wells County.

To be a Member of the STATE BOARD OF NURSE EXAMINERS: Morris H. Parrish, Dallas County.

To be a Member of the TEXAS ADVISORY BOARD ON OCCUPATIONAL THERAPY: Mrs. Frances Derrick, Dallas County.

To be a Member of the TEXAS OPTOMETRY BOARD: Dr. Elzie Mac Wright, Gaines County.

To be a Member of the BOARD FOR LEASE, TEXAS PARKS AND WILDLIFE COMMISSION: George C. (Tim) Hixon, Bexar County.

To be Members of the TEXAS STATE BOARD OF PHYSICAL THERAPY EXAMINERS: Mrs. Lila C. Cross, Kendall County; Joe H. Golman, Dallas County; Mrs. Dorene P. Goodson, Tarrant County.

To be a Member of the POLYGRAPH EXAMINERS BOARD: Ed Hodges, Dallas County.

To be a Member of the BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES: James Smith Bowie, Harris County.

To be a Member of THE REAL ESTATE RESEARCH ADVISORY COMMITTEE: Mrs. Patsy Bohannon, Montgomery County.

To be a Member of THE TEXAS REAL ESTATE COMMISSION: Lynn Elliott, Brazos County.

To be Members of the SULPHUR RIVER BASIN AUTHORITY BOARD OF DIRECTORS: David Baucom, Hopkins County; Curtis R. Fendley, Lamar County; Mrs. Katherine Clyde Ramsay, Franklin County.

To be a Member of the TEXAS SURPLUS PROPERTY AGENCY: Robert A. Lansford, Williamson County.

MESSAGE FROM THE HOUSE

House Chamber
July 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 1, Relating to the reform of the workers' compensation system; to the creation, powers, and duties of the Texas Workers' Compensation Commission; to work safety; making appropriations; providing criminal and administrative penalties; and providing for taxes and fees. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolutions:

S.C.R. 11

H.B. 42

H.C.R. 2

H.C.R. 5

H.C.R. 11

H.C.R. 25

SENATE RESOLUTION 110

Senator Brown offered the following resolution:

WHEREAS, The Young Astronauts Council will be traveling to Japan for the International Conference in Yokohama, Japan, on July 26-28, 1989; and

WHEREAS, Young Astronauts Chapter No. 22965 from the National Aeronautics and Space Administration area are honored guests of the Japanese government and official United States delegates from Texas; and

WHEREAS, Supervising the group is Faye Neathery, chapter leader and Texas Curriculum Coordinator for the Young Astronauts Council, and one of five chapter

leaders throughout the United States to be a member of the official delegation to the conference; and

WHEREAS, Started by President Reagan to promote the study of science and math and supported by President Bush, the Young Astronauts Council was the idea of Jack Anderson, who serves as its chairman; and

WHEREAS, The week-long visit in Japan will include traveling to Kansai, a tour of the Himeji Castle, a visit to Tokyo Disneyland, and traveling to Nagoya and Kyoto down the Kiso River; and

WHEREAS, Attending the International Conference are: John Brown from Goose Creek Independent School District, Rebekah Lovelace from Clear Creek Independent School District, Trevin Matcek from Deer Park Independent School District, and Amanda Lonsford from Clear Creek Independent School District; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, 1st Called Session, hereby extend hearty congratulations to the delegates to the International Young Astronauts Conference and wish them a most rewarding and educational visit; and, be it further

RESOLVED, That copies of this Resolution be prepared for the delegates as a memento of this exciting experience and as a token of best regards from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

At the request of the President, Senator Brown escorted Ms. Faye Neathery and members of the Young Astronauts Council to the President's Rostrum.

The President presented an enrolled copy of S.R. 110 to these special guests.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.R. 113 by Brooks Health and Human Services
Assigning an interim study to examine and propose to the 72nd Legislature a long term policy and strategy for long term care to the elderly and people with physical and mental disabilities.

S.B. 71 by Uribe Education
Relating to the designation of The University of Texas—Pan American—Brownsville as an upper-level university.

S.B. 72 by McFarland Natural Resources
Relating to the appointment of reserve peace officers by certain water districts.

S.B. 73 by Brooks Natural Resources
Relating to the authority of the Parks and Wildlife Commission to regulate the sale and consumption of alcoholic beverages in an area of Galveston State Park assigned to a concessioner.

S.B. 74 by Caperton Finance
Relating to an appropriation to medical units of certain institutions of higher education.

S.B. 75 by Dickson Jurisprudence
Relating to the effective date of the legislation relating to the qualifications for serving as judge of the County Court at Law of Nolan County.

S.B. 76 by Brooks, Brown, Caperton, Health and Human Services

Carriker, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sims, Tejeda, Truan, Washington, Whitmire, Green

Relating to the transfer of funds by certain state teaching hospitals and hospital districts and the use of those funds for the Medicaid disproportionate share program and making an appropriation.

S.B. 77 by Caperton

Finance

Relating to an appropriation to the Interagency Council on Mentally Impaired Offenders.

CO-AUTHOR OF SENATE BILL 12

On motion of Senator Brown and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 12.

CO-AUTHORS OF SENATE BILL 30

On motion of Senator Zaffirini and by unanimous consent, Senators Sims, Brown, Dickson, Lyon and Tejeda will be shown as Co-authors of S.B. 30.

CO-AUTHORS OF SENATE BILL 31

On motion of Senator Zaffirini and by unanimous consent, Senators Santiesteban, Brooks, Tejeda and Lyon will be shown as Co-authors of S.B. 31.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Harris, on behalf of Senator Edwards, gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILL 13 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 13, Relating to the payment of workers' compensation benefits to an employee of a political subdivision.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend S.B. 13 by striking everything below the enacting clause and by substituting in lieu thereof the following:

SECTION 1. Article 8309h, Revised Statutes, is amended by adding Section 10 to read as follows:

Sec. 10. By a majority vote, the governing body of a political subdivision may provide that during the time an employee of a political subdivision is receiving weekly compensation benefits under this Act, that employee may elect to receive previously accrued sick leave benefits, whether statutory or contractual, in an amount equal to the difference in the weekly payments of compensation under this Act and the weekly compensation that that employee was receiving prior to the injury or illness resulting in the claim, with a proportionate deduction in the employee's sick leave balance. The sum of weekly payments of compensation under this Act and the amount of sick leave paid by the political subdivision may not exceed the amount of weekly compensation that the employee was receiving prior to the illness or injury that resulted in the claim. This section may not be construed to limit in any way the medical benefits to be paid to the employee, and no such

sick leave plan may require an employee to take sick leave benefits before receiving benefits under the Texas Workers' Compensation Act.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 13 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 1.

Nays: Washington.

Absent: Barrientos, Dickson, Johnson, Parmer.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 0.

Absent: Barrientos, Dickson, Johnson, Parmer.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

GUEST PRESENTED

Senator Montford was recognized and presented Dr. Hugh Wilson of Hale Center.

The Senate welcomed Dr. Wilson, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

COMMITTEE SUBSTITUTE SENATE BILL 14 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 14, Relating to the payment of workers' compensation benefits to employees of political subdivisions.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 14 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 1.

Nays: Washington.

Absent: Barrientos, Dickson, Johnson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 0.

Absent: Barrientos, Dickson, Johnson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

(Senator McFarland in Chair)

SENATE BILL 19 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 19, Relating to the application of the workers' compensation laws to certain political subdivisions, including community centers for mental health and mental retardation services.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 19** as follows:

(1) on page 1, lines 42 and 43, strike "political subdivision involved in vocational training" and insert in lieu thereof the following:
community center for mental health and mental retardation services

(2) on page 1, line 45, insert the following after the word "article":
while the patient or client is under the direct supervision of a community center for mental health and mental retardation services

(3) on page 2, line 4, insert the following after the word "employee":
of a community center for mental health and mental retardation services and

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 19 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 19** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 1.

Nays: Washington.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed viva voce vote.

SENATE BILL 28 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 28, Relating to the creation of fish and marine habitat in the area in Cameron County known as Bahia Grande.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 28 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 28** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 1.

Nays: Washington.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed viva voce vote.

SENATE BILL 62 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 62, Relating to the confidentiality of the identity of certain crime victims.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Strike all below the enacting clause of **S.B. 62** and insert in lieu thereof the following:

SECTION 1. Subdivision (23), Subsection (a), Section 3, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), as added by **H.B. No. 2481**, Acts of the 71st Legislature, Regular Session 1989, is repealed.

SECTION 2. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 62 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 62** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 1.

Nays: Washington.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

SENATE BILL 21 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 21, Relating to the Gregg County Juvenile Board.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 21 ON THIRD READING

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 21** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 1.

Nays: Washington.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

SENATE BILL 23 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 23, Relating to the creation, administration, and powers, including the power of eminent domain subject to limitations, and to the duties, operations, and financing of Collin County Water Authority, and to the creation therein of subdistricts with the power to levy and collect ad valorem taxes within the subdistricts; relating to the power of the county and of municipalities, other political subdivisions, and nonprofit water supply corporations to enter into and give security for contracts with the authority.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 23 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 1.

Nays: Washington.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 0.

Absent: Barrientos, Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

SENATE BILL 37 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 37, Relating to the supplemental compensation paid to the judge of the 377th Judicial District.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 37 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent: Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

SENATE BILL 44 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 44, Relating to the composition of the 369th Judicial District.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 44 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent: Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Dickson.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

**SENATE CONCURRENT RESOLUTION 8
ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 8, Requesting the Texas delegation of the United States Congress to work further to obtain a single consistent definition of wetlands for the purpose of all federal laws and regulations.

The resolution was read second time and was adopted viva voce vote.

(President in Chair)

MESSAGE FROM THE HOUSE

House Chamber
July 6, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 28, Relating to the acquisition of land and facilities by a municipality for lease to public entities for public purposes or to private entities for manufacturing or commercial purposes; authorizing the issuance of municipal bonds.

H.B. 63, Relating to the eradication or control of certain animal diseases by the Texas Animal Health Commission.

H.C.R. 1, Directing the Dallas Area Rapid Transit Authority to take certain actions.

H.C.R. 15, Urging Congress not to increase the federal motor fuels tax.

H.C.R. 30, Honoring J. W. Summers.

S.C.R. 14, Congratulating the Atlanta High School track and field team.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**HOUSE CONCURRENT RESOLUTION 18
ON SECOND READING**

Senator Brown moved to suspend Senate Rule 7.13, the printing rule, in order to consider the following resolution:

H.C.R. 18, Petitioning the Congress of the United States of America to propose to the states an amendment to the United States Constitution protecting the

American Flag and 50 state flags from willful desecration and exempting such desecration from Constitutional construction as a First Amendment right.

The motion prevailed by the following vote: Yeas 23, Nays 2.

Yeas: Armbrister, Barrientos, Brown, Caperton, Dickson, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brooks, Washington.

Absent: Carriker.

Absent-excused: Bivins, Edwards, Glasgow, Green, Parker.

The President laid before the Senate the following resolution:

H.C.R. 18, Petitioning the Congress of the United States of America to propose to the states an amendment to the United States Constitution protecting the American Flag and 50 state flags from willful desecration and exempting such desecration from Constitutional construction as a First Amendment right.

The resolution was read second time.

Senator Washington raised a point of order against consideration of **H.C.R. 18** as being legislation on a subject not designated by the Governor as required by Article III, Section 40 of the Constitution, inasmuch as Senate Rule 8.01 provides that resolutions requiring the Governor's signature are subject to the rules governing proceedings on bills.

The President overruled the point of order, stating that Article III, Section 40 of the State Constitution prohibits the Legislature in called session from considering legislation on subjects other than those designated by the Governor. The Chair is of the opinion that **H.C.R. 18** is not "legislation" within the meaning of that section. The resolution is nothing more than an expression of sentiment. It does not enact, amend or repeal any law. It does not alter the legal rights or obligations of any person. It does not bind any entity of government.

It does require the approval of the Governor, and Senate Rule 8.01 provides that such resolutions are subject to the rules that govern proceedings on bills. There is not, however, any Senate rule limiting the consideration of bills in a called session. The only limitation is imposed by the Constitution. The Senate has not adopted any specific additional limitation. The Chair will not find one by implication.

Question—Shall **H.C.R. 18** be adopted?

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider the following bill and resolution tomorrow morning:

S.B. 22

S.R. 113

HOUSE CONCURRENT RESOLUTION 18 ON SECOND READING

The Senate resumed consideration of **H.C.R. 18** on its second reading.

Question—Shall **H.C.R. 18** be adopted?

(Senator Uribe occupied the Chair during discussion of the adoption of the resolution)

(President in Chair)

(Senator Carriker occupied the Chair during discussion of the adoption of the resolution)

(Senator Haley in Chair)

(Senator Whitmire occupied the Chair during discussion of the adoption of the resolution)

(President in Chair)

GUESTS PRESENTED

The President introduced the following members of the Mississippi Senate visiting the Senate today: Senators Rob Smith, Walter Graham, Jack Gordon, Nevin Sledge, Irb Benjamin.

The Senate welcomed these distinguished Legislators.

(Senator Whitmire in Chair)

**HOUSE CONCURRENT RESOLUTION 18
ON SECOND READING**

The Senate resumed consideration of H.C.R. 18 on its second reading.

Question—Shall H.C.R. 18 be adopted?

(Senator Sims occupied the Chair during discussion of the adoption of the resolution)

(Senator Zaffirini in Chair)

(Senator Barrientos occupied the Chair during discussion of the adoption of the resolution)

(Senator Zaffirini in Chair)

(Senator Leedom occupied the Chair during discussion of the adoption of the resolution)

(Senator Ratliff in Chair)

(Friday, July 7, 1989)

(Senator Sims occupied the Chair during discussion of the adoption of the resolution)

Senator Brooks raised a point of order against further consideration of H.C.R. 18 stating that when a member is discussing a House measure on a House bill day and 12:01 a.m. on a Senate bill day arrives, no further discussion may be had on the House measure.

The Presiding Officer (Senator Sims in Chair) sustained the point of order.

CONGRATULATORY RESOLUTIONS

H.C.R. 30 - (Lyon): Commending the Honorable J. W. Summers on the occasion of his retirement from his position as chief justice of the 12th Court of Appeals.

S.R. 112 - By Lyon: Expressing gratitude for the more than 39 years of outstanding service of Electronics Technician Second Class Roy Stanley to his nation and to Texas.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:43 a.m. adjourned until 11:00 a.m. today.